



Photo by Stephanie Secrest

NICS President and CEO Mark Scott advised the Contra Costa County (CA) board of supervisors to class serious violations of the Industrial Safety Ordinance as misdemeanors.

NICS advises California county supervisors to strengthen industrial safety ordinance

New law gives public more voice in plants' safety plans

An unbiased analysis.

That's what the Contra Costa County Board of Supervisors wanted for a proposed new industrial safety ordinance. That's one reason they selected the National Institute for Chemical Studies as the contractor to provide it.

Contra Costa County is northeast

of San Francisco in California, a state that makes no apologies for its strict industrial safety laws. Contra Costa County itself has a reputation for being on the leading edge of industrial safety issues with comprehensive regulations and no-quibbling enforcement.

So, how did a West Coast county government and an East Coast non-profit get together?

see *Contra Costa*, p. 3

WV groups agree on funding for water programs

NICS helps parties unite to work on critical issue

A classic case of win-win negotiating started unfolding in Charleston last September when three groups - often at odds with each other -- sat down to talk. The talk was about money.

One group was the West Virginia Division of Environmental Protection (DEP) and its Office of Water Resources (OWR).

Another group consisted of industries and public agencies the DEP regulates, in the process generating revenue from fines, penalties and permit fees. Also there to protect the

Chemical firms give assurances on Y2K safety

Plant neighbors worry about computer failures

As an environmental advocate, Mildred Holt has been in some unpleasant meetings with industry, and she has been in some good ones. The one held on a rainy Sunday afternoon in February at Institute, WV, was one of the good ones.

At the invitation of People Concerned about MIC (methyl isocyanate), about 40 people came to hear Kanawha Valley chemical plant managers tell what they are doing to keep the Y2K computer bug from

What Y2K Problem?

A German researcher wonders what the Y2K commotion is all about. See page 7.

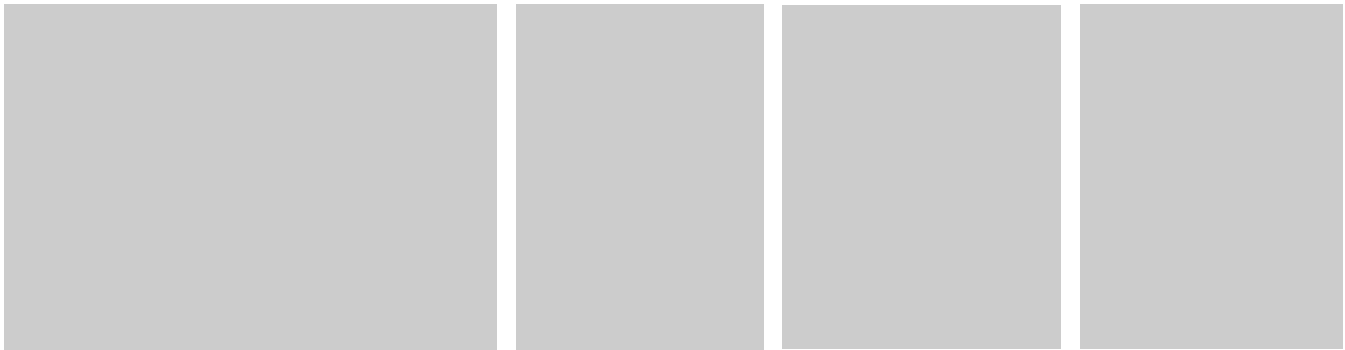
causing a plant accident at the end of the year. Holt is co-chair of the 14-year-old group along with Dr. Gerry Beller from West Virginia State College.

see *Chemical Plants*, p. 7

public interest were advocacy groups concerned about the state's water quality.

The DEP's problem was how to get more money to fund federally-mandated water quality programs, which are critical to maintaining state water quality.

see *Stakeholders Forego*, p. 2



Mike Withers (l), Randall Lewis (c) and Perry McDaniel listen intently to the discussion about the Office of Water Resources' funding needs. They represented groups interested in water quality issues.

Tim Albert, environmental manager at DuPont's Belle Plant, spoke for West Virginia manufacturers.

NICS President Mark Scott kept the group's discussions on track during eight meetings.

Barbara Taylor, head of the DEP's Office of Water Resources, reviewed programs and funding needs.

Stakeholders forego differences, act to improve water programs

Cont. from p. 1

The groups shared a common problem. If the state can't come up with more money, the US EPA could take over some of the programs and run them from Region III headquarters in Philadelphia. Not a popular idea.

The water quality program got into financial straits because of an overall decrease in state and federal funding for the past several years. With the state administration trying to hold the line on overall spending, the coming year's proposed budget didn't include an increase either.

All the stakeholders and DEP ruled out higher fines on industry to produce more as revenue. Permit fees were already high. Yet, the cost of running federally-mandated water quality programs kept going up.

DEP was truly between a rock and a hard place. Something had to be done, something bold.

That's when DEP decided to go to its traditional stakeholders, lay the cards on the table and ask for help.

The effort to build support for a funding increase began at the West Virginia Manufacturers Association (WVMA). Recognizing the need for a neutral party's assistance, the

WVMA asked NICS to get involved. With its reputation for objectivity and helping groups resolve problems, NICS could broker an agreement.

In addition, President and CEO Mark Scott was familiar with the issues. He had served as head of the

"Appreciation and acknowledgement is extended to the National Institute [for] Chemical Studies and their President Mark A. Scott for the significant time spent facilitating this group of stakeholders. The skills and assistance provided by NICS were critical components of this project."
STAKEHOLDER AGREEMENT
Increased Funding for
West Virginia's Water Program

OWR and as deputy director of the DEP before joining NICS.

The stakeholder groups met for the first time with OWR staff on Sept. 3.

OWR outlined its programs and funding needs. The staff then left the meeting so stakeholders could freely discuss the effectiveness of each water quality program.

Stakeholders agreed that the state's interests are better served with the

state running the programs rather than the federal government.

Stakeholders agreed, too, that DEP could reach its goal of improving customer service only with additional funds.

After eight intensive give-and-take meetings, with OWR staff there to answer questions, the stakeholder group agreed on Dec. 10 to seek a \$4.9 million increase in state funds for water quality improvement programs.

In addition, the group agreed to support legislation to increase their permit fees by an estimated \$739,000 in fiscal year 2000.

Also, the agreement recommended that DEP:

Review OWR programs to see if they can be improved and made more effective;

Seek innovations to streamline the permitting process;

Work to reduce the DEP's reliance on fines and penalties for fund programs;

Organize a separate group to advise DEP how to implement a controversial regulation that would limit pollutant discharges into state w a t e r s .
nn

It's a scary thought.

You're driving down the Interstate in heavy traffic. Suddenly a chemical tanker just ahead of you in the left lane veers off the highway, into the V-shaped median, to keep from hitting a car that cuts in.

The tanker turns on its side and skids along the grass as sparks fly and brake lights come on ahead of you. The tanker finally grinds to a halt, but the liquid cargo is shooting through a hole onto the highway and vehicles that have stopped. Luckily, the driver quickly gets out of the truck and moves away.

While accidents involving tanker trucks are infrequent, they do happen now and then around the Kanawha Valley and elsewhere.

Every day, thousands of tons of hazardous chemicals go through cities, suburbs and rural areas in tanker trucks and rail cars. The cargo in-

How to protect yourself, family at hazmat wreck

Planning committee offers safety tips in new folder

cludes ammonia, chlorine and other chemicals.

What will you need to do to protect yourself and your family if you happen to be close to an accident site?

The protective steps are outlined in a new folder published by the Kanawha Putnam Emergency Plan-

ning Committee. The folder provides simple, common-sense advice.

For example, the first thing a person should do at an accident site is avoid becoming a victim, the folder advises.

If the accident involves a tanker truck, the best thing to do is close your car windows, turn off ventilation fans and move away if possible.

If the accident involves a rail car near a populated area, you should shelter in place, turn on your radio or tv and listen for emergency information, and listen for other emergency signals, such as sirens, in your community. Avoid making phone calls to keep the lines free for use by emergency officials.

The four-color folder is available from the KPEPC by calling (304) 744-1838 or on the group's Web site at <http://www.kpepc.org>.

nics news

Spring 1999

Published by the
National Institute for
Chemical Studies

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Printed on recycled
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Contra Costa, *cont. from p.1*

The broker was none other than the US Environmental Protection Agency's Chemical Emergency Preparedness and Prevention Office.

A few years ago, the EPA awarded NICS a contract to review investigations that federal, state and local government agencies conduct at chemical accident sites. The purpose is to study investigative techniques to see what lessons can be learned and shared to improve future investigations.

In 1997 the Contra Costa County Health Services Department (CCCHSD) investigated a refinery explosion to determine the root and contributing causes. At the EPA's request, NICS reviewed the CCCHSD's report and recommended improvements for future investigations.

In December 1996, a month before the refinery explosion, the county passed an industrial safety ordinance. The ordinance said a company that wanted to expand its operations, build new facilities or do maintenance work had to get a land use permit. The permitting process triggered a major environmental impact review. Most of the stakeholders the ordinance affected — companies, unions and environmentalists — did not like it for one reason or another, including its ineffectiveness in improving safety. They wanted something better.

Labor interests and business groups got together and drafted a new ordinance. The board adopted their version as the official vehicle for discussion.

After hearing all competing inter-

see Contra Costa, p. 6

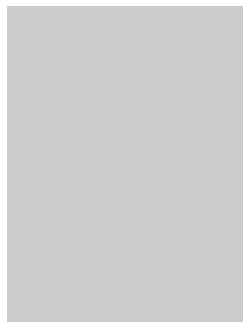
News Briefs

NICS elects new Chairman of the Board

Michael A. Albert has been elected chairman of the board for the National Institute for Chemical Studies.

He succeeds Charles M. Jones who resigned as the result of a job change and move from Charleston. Both changes were effective Dec. 21, 1998.

An attorney, Albert is a partner in the Jackson & Kelly law firm in Charleston. A native of Wheeling, he holds B.A. and J.D. degrees from West Virginia University.



Michael A. Albert

He is active in the community as a member of the Rotary Club of Charleston and as a board member of Junior Achievement of Kanawha County, West Virginia Education Alliance and Read Aloud West Virginia. He joined the NICS board in 1995.

"Charles brought a collaborative style of leadership to the board," Albert said. "His business experience was valuable in helping NICS find a new president and CEO. He also launched the strategic planning process that will help shape the Institute's future."

Jones joined the Institute's board in 1991 and was elected Chairman in June 1997.

"The board has chosen a great

replacement for Charles," said Mark A. Scott, President and CEO. "Mike is a solid leader who is up to the challenge of moving NICS forward in a way the founders envisioned. The staff looks forward to having his enthusiasm, insight and leadership skills more deeply involved in setting our direction."

WV Scorecard debuts on NICS home page

NICS has added some new information to its Internet site.

"For the first time, visitors can download a copy of the West Virginia *Scorecard*[®], our annual analysis of toxic chemical releases by the state's manufacturers," said Dave Dodrill, director of communications.

The entire report or sections of it can be downloaded.

Also, visitors can now learn the requirements for becoming a Licensed Remediation Specialist. An LRS is responsible for the environmental cleanup of polluted sites that are being redeveloped for new uses.

"We've also added a page that lists our board of directors and staff," Dodrill said. "Other pages contain our mission and history. We will soon add other information."

The site is on America On Line at: <http://members.aol.com/nicsinfo>.

NICS certifies eight clean-up specialists

West Virginia welcomed eight new Licensed Remediation Specialists in January.

Dr. Jan R. Taylor, NICS Vice

President and Project Director, heads the program that tests the candidates' knowledge about environmental laws, standards and other technical matters. She must also verify candidates' educational and experience credentials before recommending them for certification to the West Virginia Division of Environmental Protection (WVDEP).

Specialists may be paid by developers but are responsible to the WVDEP and citizens of the state for the proper cleanup of polluted sites being redeveloped.

The next LRS exam is scheduled for March 26. Information about the LRS program is on the NICS home page at:

<http://members.aol.com/nicsinfo>.

WV Governor honors NICS board member

Mildred T. Holt, a member of the NICS Board of Directors, has been



Mildred T. Holt

honored with a Living the Dream Award by West Virginia Governor Cecil H. Underwood.

Her award is for advocating social change in a non-violent way.

The Martin Luther King, Jr., West Virginia Holiday Commission sponsors this and other awards for advocates of social change.

Holt has been active in human rights activities for years. She joined the NICS board in 1990.

Scorecard: Toxic chemical releases still declining

Picture will change next year as coal-burning utilities, others report substantial emissions for the first time

The figures are impressive.

Toxic chemical releases down 70 percent in West Virginia in 1997 compared to 1987.

Releases of a group of known or suspected cancer-causing chemicals down 93.5 percent.

Air emissions down 62.2 percent.

Bottom line: West Virginia has a cleaner environment today than it did a decade ago. The reason: tighter government regulations and pollution prevention efforts by the group of 125 state companies that produce or use the chemicals.

The good news is contained in the 10th annual West Virginia *Scorecard*[®], issued by the National Institute for Chemical Studies (NICS) at a Charleston news briefing Dec. 16. Dr. Jan Taylor, NICS vice president, directs the project.

"Manufacturers have made great strides in reducing pollution," Taylor said. "However, large reductions in both cancer-causing and non cancer-causing pollutants are not as likely now as in the early years of the program," she said. "We will probably see only incremental reductions

in the future from this group of companies."

Speaking of the future, the *Scorecard* format will be revised next year to reflect changes in federal reporting requirements. Several new industry groups will have to report their toxic releases in 1998. They include power plants, metal and coal mines, materials distribution and waste management facilities.

Emissions by coal-burning utilities are expected to be considerably larger than those currently reported by manufacturers. Air emissions will likely include acids and metals.

NICS has conducted training for West Virginia's coal industry on how to fill out the reports for the EPA.

The revised *Scorecard* will continue to show the 1987 baseline for comparing current-year releases by the core group of manufacturers. A new baseline will be added for comparing future releases from the newly added industries.

The *Scorecard* lists toxic releases into the air or water, placed in approved landfills or spilled onto land. Air emissions accounted for 96 percent of the releases in 1997.

"*Scorecard* gives the public, industry and regulators useful information for decision-making on pollution prevention issues," Taylor said. The information is based on an analysis of data the companies have to file with the US EPA by July 1 on releases during the previous year.

NICS divides the state into six regions for analysis. In 1997:

Manufacturers in a six-county group along the Ohio River produced the most pollutants, but the amount, 5.9 million pounds, was down 16 percent from the previous year.

see *Scorecard*, p. 6

1997 Toxic Chemical Releases in West Virginia

(in pounds)

	1987	1996	1997	% Change 1996-1997	% Change 1987-1997
Section A Carcinogens	8,110,402	714,354	524,587	-26.6%	-93.5%
Section B Other toxics	39,684,708	16,355,791	13,811,196	-15.5%	-65.2%
TOTAL (A+B)	47,795,110	17,070,145	14,335,783	-16.0%	-70.0%
Section C New Toxics	1995 8,474,706	7,568,730	6,402,490	-15.4%	-24.5%*

* % change for Section C toxics is from 1995-1997

WV Toxic Release Inventory by Medium of Release

(in pounds)

	Air	Water	Land	POTW	Offsite	Total
Section A Carcinogens	483,498	18,982	22,107	507,695	2,046,734	3,079,016
Section B Other Toxics	13,268,294	511,711	31,191	1,312,646	38,121,308	53,245,150
Total (A+B)	13,751,792	530,693	53,298	1,820,341	40,168,042	56,324,166
Section C New Toxics	156,452	6,245,429	609	2,071,526	252,559	8,726,575



While a tv cameraman takes a close-up of the toxic release inventory map, NICS Vice President Dr. Jan Taylor tells reporters at a news briefing about air, water and land releases.

Scorecard, cont. from p. 5

Four Northern Panhandle counties were second with 3.8 million pounds or 16 percent less than the previous year.

The Kanawha-Putnam region was again third, with two million pounds of releases or a 29 percent reduction from a year earlier.

Eastern Panhandle companies also reported two million pounds of re-

leases and a seven percent reduction.

Central and Southern regions have few companies that release toxic chemicals and came in fifth and sixth, respectively.

A group selected from the public, government and industry reviews and contributes to the *Scorecard's* content. A technical group made up of those who file toxic release data with the EPA review the report for accuracy. The Chemical Industry Committee of the West Virginia Manufacturers Association provides funding assistance.

The *Scorecard* is available at: <http://members.aol.com/nicsinfo>. Printed copies are available from NICS at (304) 346-6264. nn

Contra Costa, cont. from p.2

ests, the Board of Supervisors decided an unbiased, independent review of the draft ordinance was needed. NICS and others submitted proposals to conduct the review.

The county chose NICS, based in part on its work on the refinery investigation review, to review the draft ordinance. The review was to focus on whether the Board could implement and enforce the ordinance; the ordinance's land use aspects, and its overall public safety elements.

The county also chose a consultant to review the ordinance's technical requirements and their impact on refineries and chemical plants. Three county agencies also provided comments, as did the public.

The NICS team consisted of President Mark A. Scott, Vice President Dr. Jan R. Taylor and part-time employee Peter P. Howell, P.E.

Team members reviewed various ordinances, documents and audio-visual tapes of public meetings, met

"A good fit"

That's the way President and CEO Mark Scott describes the mission of NICS and the ordinance evaluation project for the Contra Costa County Board of Supervisors.

"NICS helped bring the views of various stakeholders together to create an effective way of dealing with risk," he said. "As we have on many other projects, we also evaluated the issues and recommended ways to reduce risk."

"Based on what we were able to contribute and what we learned, the project also helped us further our goal of becoming a national model for developing solutions to public-industry issues," Scott said. nn

with county officials and from key stakeholders.

NICS submitted its findings and recommendations to the Board in November. The Board approved the new ordinance last December, including changes NICS recommended. The ordinance improves public safety three ways.

Chemical makers and refineries using certain production processes in unincorporated areas will have to submit a safety plan. The plan requires a hazard analysis and a check to see if safer-than-proposed accident prevention systems are available.

There will also be greater public participation in safety planning, and a root-cause study will be required for major chemical accidents.

Based on a NICS recommendation, the ordinance will undergo an annual checkup to see how well it is working and where there is room for improvement. nn

Chemical plants getting ready for year-end computer bugs

cont. from p. 1

Citizens wanted assurances they will be safe. What they got was a substantial down payment.

One by one the managers told how they are checking computer-driven equipment even though the manufacturers say it won't cause any problems, how they have electric power generators standing by, how operating procedures are being backed up and tested and how backup communications systems are being installed.

The list of emergency steps went on. Some of the work is completed and some is still to be done, the managers said.

Hal Foss, manager of the Rhone Poulenc plant near the meeting site, outlined an existing three-step MIC containment plan. The first step is to keep it refrigerated in its liquid form.

If the cooling system totally fails and the MIC starts to vaporize, the vapors would be run through a unit that changes it to a harmless chemical. Backup generators would keep the unit running if regular power service is out.

The third step, if the other two fail, is to burn the vapors in a gas flare. Backup equipment is in place to assure that this step will work, Foss said.

Firmly, without a voice raised in anger, the audience began asking questions. The answers were sincere and the best available at the time, but they didn't offer the closure the audience wanted. The managers were invited back for a follow-up report, and they readily accepted.

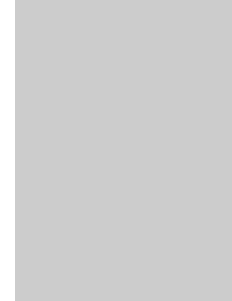
"This kind of meeting would not have happened 14 years ago," Holt said. "Having the plants here today

reflects the cooperative effort that continues to grow between the community and chemical plants," she said. "My hat's off to you." nn

What Y2K problem? asks researcher

Y2K may be a big issue in the United States, but not in Germany.

So says Katharina Zoeller, a researcher with the Center of Technology Assessment in Stuttgart, Germany. She was an observer at the Institute meeting and a guest of meeting initiator, Paul Nuchims.



Zoeller

She is doing research on chemical companies' public outreach programs in the U.S. and Germany.

"I was amazed reading about this Y2K problem. What problem?" she said. "It isn't an issue in Germany at all."

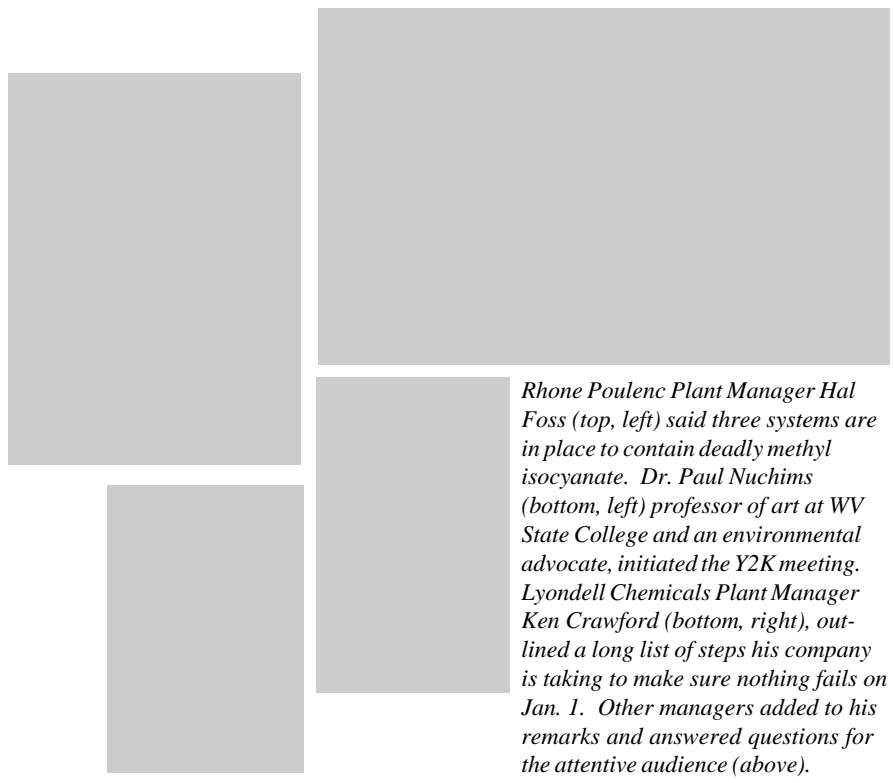
"It's like a hysteric thing going on," she noted. "It's every second article in the newspaper every other day."

"Maybe we don't care enough [in Germany], but that's my impression."

Zoeller's study includes how chemical companies use dialogue to gain acceptability and avoid conflicts with the public.

She arrived in the U.S. on Dec. 28 and will be here until March. She will gather information from several individuals, associations and companies. She visited NICS to learn about the Institute's history of using dialogue to resolve issues.

She expects to complete the project in about a year. nn



Rhone Poulenc Plant Manager Hal Foss (top, left) said three systems are in place to contain deadly methyl isocyanate. Dr. Paul Nuchims (bottom, left) professor of art at WV State College and an environmental advocate, initiated the Y2K meeting. Lyondell Chemicals Plant Manager Ken Crawford (bottom, right), outlined a long list of steps his company is taking to make sure nothing fails on Jan. 1. Other managers added to his remarks and answered questions for the attentive audience (above).

While technology seems to change our lives at an ever increasing speed, some things change very little or not at all.

Take trust, a basic value in human relationships. The need for trust is the same today as it was hundreds of years ago. Trust is essential if people with different views are to live together in a safe, clean and prosperous community.

NICS has spent the last 14 years helping the public and chemical industry build mutual trust for one another so they can resolve issues that involve safety, the environment and economic progress. We are confident the services we provide help make better communities.

Nonetheless, organizations have to change to reflect new technology, attitudes and business conditions. Companies will continue looking for ways to reduce costs. Entrepreneurs will create new jobs. People will lose jobs they've held for years, if they even hold them for many years.

To keep up, both individuals and organizations are being forced to re-invent themselves every few years. NICS has started re-inventing itself, guided by a new strategic plan. The plan recommits the Institute to the founders' goals. It will also guide the marketing of our unique services and make the organization stronger financially as we move forward. A story about the strategic plan, revised mission and vision will appear in a later issue of *NICS News*.

Importantly, the board and staff worked closely together to produce the strategic plan. Board and staff members are committed to making it work.

I am confident that the strategic plan, its successful implementation and aggressive leadership from the board will allow NICS to meet new challenges ahead.

As NICS changes with the times, we will continue to focus our efforts on building trust among public and industry groups.

nn

Commentary
by Mark A. Scott
President and CEO

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